

Chapter XVI

Defense Environmental Restoration Program (DERP)

A. MANAGEMENT GUIDANCE.

1. The DERP provides centralized program management for the cleanup of DoD hazardous waste sites consistent with the provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Superfund Amendments and Reauthorization Act of 1986 (SARA) and the National Contingency Plan (NCP). The goals of the DERP are stated in 10 USC 2701 and consist of the following:

a. The identification, investigation, research and development and cleanup of contamination from hazardous substances, pollutants and contaminants.

b. Correction of other environmental damage (such as detection or disposal of unexploded ordnance) which creates an imminent and substantial endangerment to the public health, welfare, or to the environment.

c. Demolition and removal of unsafe buildings and structures, including buildings and structures of the DoD at sites formerly used by or under the jurisdiction of the Secretary of Defense.

2. The Office of Installation Services and Environmental Protection, DLA-W, has been designated as the Executive Program Manager of the DERP. DRMOs with DERP projects shall be coordinated through DRMS-LH, prior to submitting an unfunded requirement to the Office of Comptroller (DRMS-TR). Sufficient narrative and cost estimates must be provided to describe the proposed project.

B. ACTIVITIES ELIGIBLE FOR DERP

1. Installation Restoration Program.

a. Investigations to identify, confirm and determine the risk to human health and the environment; feasibility studies; remedial action plans and designs; and removal or remedial actions.

b. Research, development and technology demonstrations necessary to conduct cleanups.

c. Expenses associated with cooperative multi-party cleanup plans and activities.

d. Remedial actions to protect or restore natural resources damaged by contamination from past hazardous waste disposal activities.

e. Cleanup of low level radioactive waste sites which have been identified as IRP sites.

f. Management expenses associated with the IRP, including civilian salaries and training.

g. Operation and maintenance costs for the first 10 years of operation of remedial systems and monitoring systems.

h. Immediate actions necessary to address health and safety concerns such as providing alternative water supplies or treatment of contaminated drinking water, when the hazard results from a release from DoD property.

i. Studies to locate underground tanks not used since January 1984 and activities to determine actual or potential contamination.

j. Cleanup of contamination believed to be harming human health or the environment resulting from tanks not used since January 1984, unless such cleanup is incidental to tank replacement.

k. Cleanup of contamination believed to be harming human health or the environment resulting from tank leaks which occurred prior to March 1, 1986, unless the cleanup is incidental to tank replacement. Components must have evidence that tanks were leaking prior to March 1, 1986.

NOTE: Beginning in FY 92, Components should program cleanups for currently operating tanks in other appropriations.

l. CERCLA response actions necessary prior to base closure, realignment, or excess of real property assets.

m. Response actions at solid waste management units that would meet the definition of a past disposal site under CERCLA/SARA.

n. Studies and support of RD&D of innovative and cost effective technologies for cleanup of hazardous waste sites, for DoD-unique wastes or other techniques widely applicable to DoD.

o. Response actions at third party sites where DoD is in receipt of a Potentially Responsible Party (PRP) letter.

p. State support services provided in accordance with a signed Interagency Agreement or a Cooperative Agreement under a DSMOA.

2. Other Hazardous Waste Operations.

a. Procurement of equipment and conduct of studies to minimize hazardous waste generation that have broad Component-wide applicability or substantially reduce wastes within a single Component.

b. Data collection, training and technology transfer efforts which support waste minimization.

c. Research, development, studies and technology demonstrations related to hazardous waste minimization, recycling, treatment or disposal needs.

d. Studies and support for toxicological data collection and methodology on risk of exposure to hazardous wastes.

e. Studies and support for commonly found unregulated hazardous substances by HHS (ATSDR) and for DoD Health Advisories by the EPA.

3. Building Demolition and Debris Removal.

a. The demolition of buildings or the removal of debris which constitute a safety hazard on lands formerly used by the DoD, provided such lands were transferred to state or local governments or native corporations.

b. The demolition of buildings or the removal of debris that constitute a safety hazard on active installations.

c. Expenses incident to complete restoration, such as restoration of natural resources, are included if such expenses are clearly and directly related to the demolition and debris removal.

4. Activities not eligible for DERP.

a. Closing or capping sanitary landfills unrelated to a hazardous waste cleanup action.

b. RCRA closures that are associated with current waste generation and disposal facilities do not meet the definition of a response action under CERCLA/SARA.

c. Construction of hazardous waste storage, transfer, treatment or disposal facilities, except when part of a CERCLA/SARA response action.

d. Demolition or debris removal as part of a new construction project.

e. Testing or repair of active underground tanks.

f. Costs of replacing leaking underground tanks.

g. Cleanup of contamination believed to be harming health or the environment resulting from underground tanks in use after January 1984, unless there is evidence that contamination occurred prior to March 1, 1986.

h. Costs of testing, storing, disposing or replacing PCB transformers.

i. Costs of asbestos surveys, containment, removal or disposal, except where incidental to a DERP response action.

j. Costs of recurring service contracts for waste reduction/minimization.

k. Costs of spill prevention and containment measures for currently operating equipment and facilities.

l. Cleanup costs of spills covered or required to be covered by spill prevention, containment and countermeasures (SPCC) plans.

m. Costs of operation, maintenance or repair to hazardous waste treatment, storage, or disposal facilities that are currently in use.

n. Costs of hazardous waste disposal operations, including associated management and operational costs, except when part of a DERP response action.